

PUBLIC

AI Index: MDE 28/016/2002

UA 237/02

Possible "disappearance"/Secret detention/ 25 July 2002
Fear of torture or ill-treatment

ALGERIA Samir Aissani (m), aged 30

Samir Aissani was arrested on 18 July at his home in Ain Taya, a coastal town 25km east of the capital Algiers. He is being held in secret detention at an unknown location, and is at risk of torture.

Samir Aissani was arrested in the presence of his family at 1am by armed men wearing plain clothes who are thought to be members of the military security (see below). No explanation was given for his arrest and those who arrested him did not disclose where he would be taken to. Unconfirmed reports have since emerged that he might be held at a military security base in Ben Aknoun, Algiers.

In the past months there has been a series of arrests by agents of the military security. Those arrested were held in secret detention for prolonged periods of time and some of them reported having been tortured while detained at a military security base (see previous UAs on Algeria, notably UA 102/02, MDE 28/008/2002, 4 April 2002 and follow-up MDE 28/012/2002, 24 April 2002).

The military security, or *Sécurité militaire* (SM), is a security service more formally known as the *Département du renseignement et de sécurité*, Department of Information and Security. The military security has repeatedly been accused of committing gross human rights violations, such as torture, extrajudicial executions and "disappearances", over the past ten years. However, the authorities have failed to investigate these allegations.

BACKGROUND INFORMATION

Under Article 51 of the Code of Penal Procedure in Algerian law, detainees may be held without charge for a maximum of 12 days. During this time, their families should be told where they are detained and allowed to communicate with them. However, in practice the provisions of this law are routinely violated. Those arrested are systematically held in secret detention, often far beyond the 12-day limit, until they are either brought before the examining magistrates or released without charge. It is while they are in secret detention in police, gendarmerie and military security centres that detainees are most at risk of torture, ill-treatment and "disappearance".

Around 4,000 people have "disappeared" after arrest by the security forces since 1993. To date they remain unaccounted for. Their families have been searching to find out what has happened to them ever since. Despite repeated government promises to carry out investigations into "disappearances", not one individual case has been fully and independently investigated. "Disappearances" are still being reported, although the number has decreased considerably since 1998.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French or Arabic or your own language:

- expressing concern that Samir Aissani, arrested on 18 July, is still in secret detention, allegedly at the military security base in Ben Aknoun, in violation of Article 51 of the Algerian Code of Penal Procedure;
- urging the authorities to ensure that he is humanely treated in detention and protected from torture and ill-treatment;

- calling on the authorities to confirm where he is being held and that he be granted immediate access to his family, a lawyer, and to any medical attention he may require;
- calling for him to be released immediately unless he is charged with a recognizably criminal offence, in which case he should be brought immediately before the judicial authorities, in compliance with Algerian law and international human rights treaties ratified by Algeria.

APPEALS TO:

Interior Minister

M. Yazid ZERHOUNI
Ministre de l'Intérieur
Ministère de l'Intérieur et
des Collectivités Locales
Palais du gouvernement
16001 Alger Centre
Algeria

**Telegrams:Ministre Interieur, Palais du gouvernement, 16001 Alger Centre,
Algeria**

Faxes: + 213 21 736106

Salutation:Monsieur le Ministre / Your Excellency

Minister of Justice

M. Mohammed CHARFI
Ministre de la Justice
Ministère de la Justice
8 Place Bir Hakem
16030 El Biar, Alger
Algeria

Telegrams:Ministre Justice, 8 Place Bir Hakem, 16030 El Biar, Alger, Algeria

Faxes: + 213 21 922195 / 921243

Salutation:Monsieur le Ministre / Your excellency

Head of Military Security

Général-Major Mohamed MEDIENE
Département du renseignement et de sécurité
Ministère de la Défense Nationale
Les Tagarins
16030 El Biar, Alger
Algeria

Telegrams: General Mohamed Mediene, Les Tagarins, 16030 El Biar, Alger, Algeria

**Faxes: + 213 21 650997 (it may be difficult to get through, but please keep
trying)**

Salutation:Dear General Mediene

COPIES TO:

State Human Rights Institution reporting to the President

Maître Mustapha Farouk Kasentini
Commission nationale consultative de promotion et de protection des droits
de l'Homme
Palais du Peuple
Avenue Franklin Roosevelt
Alger, Algeria

Fax: + 213 21 239005 / 239037

and to diplomatic representatives of Algeria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 September 2002.